

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

**INQUIRY CONCERNING A
JUDGE, NO. 01-244
RE: CHARLES W. COPE**

CASE NO.: SC01-2670

NOTICE OF PRODUCTION FROM NONPARTIES

TO: John S. Mills, Esq.
Special Counsel
200 Laura Street
Jacksonville, Florida 32201-0240

YOU ARE NOTIFIED that after ten (10) days from the date of service of this notice, Monday, March 25, 2002, the undersigned will issue the attached subpoenas directed to:

1. David MacDonald, Manager

Il Fornaio, at the Pine Inn

Ocean Avenue at Monte Verde

Carmel-by-the-Sea, California 93921

who is not a party to this action and who is to produce the items listed at the time and place specified in the attached subpoena.

Respectfully submitted,

ROBERT W. MERKLE, ESQ.
Florida Bar Number: 138183
MERKLE & MAGRI, P.A.
5510 West LaSalle Street
Tampa, Florida 33607

Telephone: (813) 281-9000
Facsimile: (813) 281-2223

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile and U.S. Mail to: **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Avenue, Miami, Florida 33175-1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32302; **John S. Mills, Esq.**, Special Counsel, Foley & Laudner, 200 Laura Street, Jacksonville, Florida 32201-0240; **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602, **Louis Kwall, Esq.**, Co-Counsel for Respondent, 133 North Ft. Harrison Avenue, Clearwater, Florida 33755 this 13th day of March, 2002.

ROBERT W. MERKLE, ESQ.

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

**INQUIRY CONCERNING A
JUDGE, NO. 01-244**

CASE NO.: SC01-2670

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SUBPOENA DUCES TECUM WITHOUT DEPOSITION

THE STATE OF FLORIDA

TO: David MacDonald, Manager
Il Fornaio, at the Pine Inn
Ocean Avenue at Monte Verde
Carmel By-The-Sea, California 93921

YOU ARE COMMANDED to provide by U.S. mail to the law firm of MERKLE & MAGRI, P.A., 5510 West LaSalle Street, Tampa, Florida 33607 or to allow for inspection and copying at your above stated address by April 1, 2002, the following documents:

1. Any and all bar checks, records, and/or receipts for alcohol, bread and olives in the approximate amount of \$18.00 between the hours of 10:00 p.m. April 4, 2001, and 2:00 a.m. April 5, 2001.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena.

THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.

If you fail to:

- (1) appear as specified; or
- (2) furnish the records instead of appearing as provided above; or

(3) object to this subpoena,

you may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on March_____, 2002.

ROBERT W. MERKLE, ESQ.
Florida Bar No. 138183
For the Court

ROBERT W. MERKLE, ESQ.
Florida Bar No. 138183
MERKLE & MAGRI, P.A.
5510 West LaSalle Street
Tampa, Florida 33607
(813) 281-9000
Attorney for Respondent

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the term "document(s)" includes without limitation any written, electronically or mechanically recorded, computer recorded or graphic matter however produced or reproduced, and all non-identical copies, drafts, and versions of such documents. Any document which contains any comment, notation, addition, insertion or marking of any kind which is not part of another document or any document which is not part of another document, is to be considered a separate document.

The term "document(s)" also includes still photographs, x-ray films, video tapes and motion pictures or tapes.

2. As used herein, "person" means and includes, without limiting the generality of its meaning, every natural person, corporate entity, partnership, sole proprietorship, joint venture association, or any other business entity, form or arrangement of whatsoever nature, governmental body or agency.

3. As used herein, the terms "you," "your" or "yours" means the party to whom this subpoena is directed including any corporation, partnership, business entity in which you are affiliated, including, but not limited to and any of its successors, predecessors, parents, affiliates, subsidiaries and any other persons acting or purporting to act on behalf of any of the foregoing.

4. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this subpoena, documents which would otherwise be construed as outside the scope thereof.

5. Wherever appropriate in this subpoena the singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular.

6. As used herein, the term "relating to" means, in whole or in part, constituting, evidencing, concerning, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

7. As used herein, the terms "any" and "all" mean "each" and "every" and the terms "each" and "every" mean "any" and "all."

8. These items will be inspected and may be copies at that time. You will not be required to surrender the original items.

If you fail to produce the records on the date specified, you may be in contempt of Court. You are subpoenaed by the attorneys whose names appear on this Subpoena and unless excused from the Subpoena by the attorneys or the Court, you shall respond to this Subpoena as directed.

